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ATTORNEYS FOR PLAINTIFFS

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

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|---|--|
| Catherine Wells, Clarence Wells, James Wells, | Court File No. 06-03511 RMW |
| Plaintiffs, | <u>STIPULATION TO EXTEND ALL DATES,</u> |
| v. | <u>and [PROPOSED] ORDER</u> |
| GC Services, Inc., | |
| Defendants. | |

On August 4, 2007, Plaintiff James Wells was killed in a motorcycle accident in San Francisco, California. The other Plaintiffs in this case, Catherine Wells and Clarence Wells, are the sister and the father of the late Mr. James Wells. Immediately prior to his death, Mr. James Wells honorably served in law enforcement as a Harbormaster for the San Francisco Bay.

In light of the unfortunate death of Mr. James Wells and the ensuing emotional devastation suffered by the other Plaintiffs in this case, the parties hereby respectfully request that the Court continue all scheduling dates (discovery deadline, trial, etc.) in this matter for 120-

days beyond the current schedule issued in the Court's Civil Minute Order dated January 5, 2007, Document No. 23.

WHEREAS the Plaintiff and Defendant hereto require additional time to complete discovery in this case;

WHEREAS the Plaintiffs and Defendant have exchanged written discovery and conducted several depositions, but need additional time to conclude discovery;

WHEREAS the parties have endeavored in good faith to complete all discovery within the September 14, 2007, deadline originally set by the Court;

WHEREAS that discovery deadline is now 5 weeks from the date of this Stipulation;

WHEREAS despite their due diligence and good faith efforts, counsel for the parties have not been able to complete discovery and it appears certain that they will not be able to do so by September 14, 2007;

WHEREAS co-plaintiff James Wells has unfortunately passed away, and certain depositions of Plaintiffs scheduled for August 6-7, 2007, were cancelled as a result, and the resolution of certain discovery items were postponed;

WHEREAS the parties have met and conferred in an effort to discuss remaining discovery consisting of amongst other things, deposition testimony;

WHEREAS a 120-day extension of all dates would permit the parties to complete the remaining discovery and prepare the case for trial;

WHEREAS the parties hereby agree in good faith that they have otherwise have good cause to extend the discovery deadline;

STATUS OF DISCOVERY

(1) What discovery remains to be completed.

- Deposition of Plaintiffs
- Possible Depositions of Defendant's FRCP 30(b)(6) designee, limited written discovery

(2) What discovery has been conducted.

- Plaintiffs' Rule 26(a)(1) Initial Disclosures
- Defendants' Rule 26(a)(1) Initial Disclosures
- Written discovery relating to all parties, and depositions of Defendant, as well as three of its debt collection employees.

(3) Why all discovery has not been completed.

Co-plaintiff Mr. James Wells has unfortunately passed away, and certain depositions of Plaintiffs were cancelled as a result. The parties had also been meeting and conferring in an attempt to resolve certain discovery issues. In light of this unfortunate and unexpected death of a party Plaintiff, all parties have agreed it would be appropriate to extend all dates, including the trial date.

THEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Defendant hereto, through their respective counsel, that the Court may enter an Order extending all dates the above-captioned matter for a minimum of 120-days.

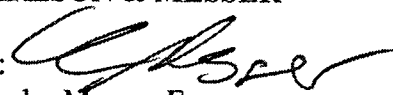
Dated: August 8, 2007

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Dated: August 8, 2007

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ATTORNEY FOR DEFENDANTS

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| Catherine Wells, Clarence Wells, James Wells, Plaintiffs, v. GC Services, Inc., Defendants. | Court File No. 06-03511 RMW <u>PROPOSED</u> <u>ORDER</u> |
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Based upon the stipulation filed herein, and in light of the untimely death of party Plaintiff Mr. James Wells on August 4, 2007, it is hereby ordered that all dates contained in this Court's Civil Minute Order dated January 5, 2007, Document No. 23, which have not yet passed, shall be amended and extended a minimum of 120-days, including but not limited to the trial date. The Court shall issue a new Order in conformity herewith.

Dated: 8/20/07



Honorable Judge Ronald M. Whyte
United States District Court

The Court Amends the Scheduling Order as Follows:

Jury Trial - March 3, 2008 @ 1:30 p.m.
Pretrial Conference - February 21, 2008 @ 2:00 p.m.
Joint Pretrial Statement Due - February 8, 2008
Dispositive Motions - January 25, 2008 @ 9:00 a.m.
Fact Discovery cutoff - December 14, 2007
Expert Discovery cutoff - February 8, 2008
Disclosure of Experts - December 14, 2007